IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 15545-M of 2007

DATE OF DECISION : 13.03.2007

Dharampal

.... PETITIONER

Versus

State of Haryana and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.S. Hira, Advocate,
for the petitioner.

Petitioner Dharampal, who is complainant in case FIR No. 101 dated 12.6.2006 under Sections 420, 467, 468, 471 IPC, registered at Police Station Murthal, District Sonipat, has filed this petition under Section 439 (2) of the Code of Criminal Procedure for cancellation of anticipatory bail granted to respondent No.2 vide order dated 22.2.2007, passed by sessions Judge, Sonipat.

I have heard counsel for the petitioner and gone through the contents of the FIR as well as the order dated 22.2.2007, whereby anticipatory bail has been granted to respondent No.2.

In this case, respondent No.2 contested the election of Gram Panchayat as scheduled caste candidate claiming himself to be belonging to *Sirkiband* caste. He was declared elected. Subsequently, his opponent Dharampal (petitioner), who claims himself to be a scheduled caste, challenged the election of respondent No.2 and while setting aside the election on 8.6.2006, it was held by Civil Judge (Senior Division), Sonipat, that the caste, to which respondent No.2 belongs is a backward class. Thereafter, the instant FIR was got registered by the petitioner on 12.6.2006.

The Sessions Judge has granted anticipatory bail to respondent No.2 by taking into consideration the various facts and the fact that the question whether the *Sirkiband* caste is a scheduled caste or not is pending consideration in this court, as respondent No.2 has challenged the order dated 8.6.2006, passed by Civil Judge (Senior Division), Sonipat, whereby his election has been set aside.

In view of the aforesaid facts and circumstances of the case, I am not inclined to interfere in the impugned order, whereby anticipatory bail has been granted to respondent No.2.

Dismissed.

March 13, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**